

**ORDINANCE NO. 2020-02  
RESTAURANT-FULL SERVICE**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX", BY ADDING "RESTAURANT-FULL SERVICE" AS A "PERMITTED" USE WITHIN THE FOLLOWING LAND USE DISTRICTS: "MEDIUM COMMERCIAL (C-2)", "HEAVY COMMERCIAL (C-3)", "WATER ACTIVITY (WAD)", "MARINE ORIENTED MIXED USE (MMU)", "POINT OVERLAY (POD)", "SEABROOK TOWN CENTER COMMERCIAL DEVELOPMENT OVERLAY (STCOD)", "OLD SEABROOK (OS)", "SH 146 SOUTH COMMERCIAL (146-S)", "SH146 MAIN COMMERCIAL (146-M)", "LIGHT INDUSTRIAL (LI)", AND AS A "CONDITIONAL USE" WITHIN THE FOLLOWING LAND USE DISTRICT: "LIGHT COMMERCIAL (C-1)"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

**WHEREAS**, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

**WHEREAS**, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses; and

**WHEREAS**, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:**

46           **SECTION 1. FINDINGS OF FACT.**

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48           That the facts and matters set forth in the preamble of this Ordinance are  
49 hereby found to be true and correct.

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51           **SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 3,**  
52 **SECTION 3.15.**

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54           The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article III,  
55 "Establishment of Zoning Districts and Associated Uses", Section 3.15,  
56 "Comprehensive Land Use Regulation Matrix" is hereby amended to add the  
57 Use, "Restaurant-Full Service", and allow as a "Use by Right" in the C-2, Medium  
58 Commercial District, C-3, Heavy Commercial District, WAD, Waterfront Activity,  
59 MMU, Marine Oriented Mixed Use, POD, Point Overlay, STCOD, Seabrook  
60 Town Center Commercial Development Overlay, OS, Old Seabrook, 146-S, SH  
61 146 South Commercial District, 146-M, SH 146 Main Commercial District, LI,  
62 Light Industrial District, and as a Conditional Use within a C-1, Light Commercial  
63 District, all as shown on Attachment A which is made a part of this Ordinance.

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65           **SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

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67           This Ordinance is hereby incorporated and made a part of the Seabrook  
68 City Code. Violation of this Ordinance is subject to the penalty section of said  
69 Code and Ordinance, Section 1-15 "General Penalty and 11.06, "Criminal  
70 Enforcement" which provides that any person who shall violate any provision of  
71 this Ordinance shall be deemed guilty of an offense and, upon conviction, shall  
72 be fined in an amount not to exceed \$2,000.00 or the maximum amount  
73 permitted by law. Each day of violation shall constitute a separate offense.

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75           **SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

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77           All ordinances or parts of ordinances in conflict or inconsistent with this  
78 Ordinance are hereby expressly repealed.

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80           **SECTION 6. SEVERABILITY.**

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82           In the event any clause phrase, provision, sentence, or part of this  
83 Ordinance or the application of the same to any person or circumstances shall for  
84 any reason be adjudged invalid or held unconstitutional by a court of competent  
85 jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or  
86 any part or provision hereof other than the part declared to be invalid or  
87 unconstitutional; and the City Council of the City of Seabrook, Texas, declares  
88 that it would have passed each and every part of the same notwithstanding the  
89 omission of any such part thus declared to be invalid or unconstitutional, whether  
90 there be one or more parts.

**SECTION 7. NOTICE.**

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

**PASSED AND APPROVED** on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 7th day of January, 2020.

**PASSED, APPROVED, AND ADOPTED** on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 21st day of January, 2020.

BY: \_\_\_\_\_  
Thomas G. Kolupski, Mayor

ATTEST:

By: \_\_\_\_\_  
Robin Lenio, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven L. Weathered  
City Attorney